App. F. IX-4

Previous References

19~~2~~5

File No. 49-25

Serial Nos. 25

Later References

J. H no 866 dt 11/3/1944.

General and Revenue Secretariat.

Serial Nos. one

Part B for April 25

SUBJECT.

Report of the joint committee appointed to consider the question of reduction of toll-gates in the State

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25) Letter no L7213-29/41/25. To the General Secy
Regd. Forwarding report of the committee

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25/7

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Fair copy of the Report of the Joint I.R. Committee as approved at the last Meeting of the Committee is put up with the draft report adopted. The last 3 paras relating to Appendices I & V have been added by me.

After approval, a draft to be sent to first Journal of the report will be submitted if necessary or I shall submit the same direct, if there be no objection

27/3/29

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

1. No through happe shall be laid down as a municipal
2M fine

2. Exemption as a municipal 2M fine 4
person is made as a ~~distance fare~~ or through at
railroad within a distance 25 miles of
2M fine ~~within 6 hours~~.
1

Jones

Reciprocity will also go

3. N. J. does not believe that the rate proceeded
from through rail shall be

We the members of the Committee appointed for the consideration of the marginally noted questions connected with Tolls beg to submit the following --- report.

(1) Suggestion of measures for removing friction between 2 District Boards or between -- District Boards and Municipal Councils in the enjoyment of Toll Revenue and -- location of toll gates.

(2) The question of making provision in the District Boards and Municipal Regulations for appeals or arbitrations from decisions of District Boards and Municipal Councils to give relief to people who are too poor to go to Courts and

(3) The question of minimum distance to be maintained between toll gates.

The Committee met on the 26th September, 10th October and 7th November 1926 and have considered in detail the questions -- referred to them with - - reference to the ~~origin of Toll system~~, laws and --- practice in force both --- here and elsewhere relating to D.B. & Municipal Tolls ~~and beg to submit their following report:-~~

The Committee regret that they could not finish their work and submit their report within the time fixed in the Government Order and had consequently to ask for an extension of ~~term~~ time ~~till the end of~~ --- November 1926.

DISTRICT BOARD TOLLS.

The ~~authority for~~ levying ~~of~~ tolls on roads and bridges in the State ~~is the~~ by the Chief Commissioner's Notification No.274 dated the 4th November 1876 which states that the Chief Commissioner may from time to time declare the roads on which and the places where toll shall be levied under para 9 of the Notn and the net proceeds of the -- revenue from such tolls ~~shall~~ are to be applied wholly to the construction, repair and maintenance of roads and bridges within the Mysore Province.

No power was given to District Boards which were constituted two years before the appointment of Toll Committees by the District Committees which were constituted two years before

~~The District Committees from which the present District Boards originated were constituted under~~ the authority of the Chief Commissioner's Notification No.110 dated 4th July 1874 ~~under the subsidiary rules~~ for the Levying Establishment of toll gates or bars on D.B. roads

rules issued for the guidance of District Committees for the Administration of the local Funds, no power was given to the levy of tolls by the Committees. and Local Boards.

The Local Fund was made to consist of (1) the proceeds of one anna cess in settled and ½ anna cess in other Taluks (subsequently raised to 1 anna) on every rupee of ordinary land revenue (2) of local ferry collections and (3) of fines on stray cattle and sale proceeds thereof. It was added that special assignments from any other source made under due authority to the Local Funds would be regarded as grants-in-aid to such funds, but no assignment from toll revenue was made.

It was not until June 1894 that the District Boards came to enjoy the income from tolls levied on roads maintained by them. The income from local cess having been found to be insufficient to meet the cost of construction and repairs of District Fund Roads, the District Boards pressed for levy of tolls on important roads especially at the frontier.

In Government Order No.2099-21007/L.F.295-92 dated 6th June 1894, it was ordered that the toll revenue collected on roads and bridges, which was till then being credited to Provincial Funds whether the roads were maintained by the District Funds or Provincial Funds, be credited from 1893-94 in case of District Fund Roads to District Funds and in case of Provincial roads to provincial funds and in ---

Government Order No.3184-6/L.F.45-96 dated 2nd September 1896 a moiety of the proceeds from tolls at the Frontier toll gates was also assigned to them. But in an important case this order has not been given effect to and no assignment has been made.

The rules relating to District Committees were superseded by Regulation II of 1902 the Mysore Local Boards Regulation and the present District Boards Under Section 20 thereof the District Board were empowered to levy tolls on carriages, carts or animals passing along roads and bridges vested in the District Board subject to such

The District Committees began to press for a share of toll revenue

In 1896 however, the District Committees were authorised to establish toll gates on important roads and on the Mysore (?) frontiers and in

and the District Committees were replaced by District Boards

such rules as to the rates to be levied, the purposes for which the net proceeds ~~shall be~~ had sh applied and other matters, as Government may from time to time prescribe.

Under the rules issued under the said Regulation (Rules 60 etc.,) it was stated that the levy -- ~~shall~~ should be governed by the provisions so far as they are applicable of the "Rules for the levy of Tolls on Public Roads and Bridges in Mysore issued under the authority of the Government of India with the Notification of Chief Commissioner of Mysore No.274 dated 4th November 1876 ~~except Rule 5~~ and, thereby additional rules set forth therein.

shall be under

From the incorporation of the provisions of the Chief Commissioner's Notification in the said rules, it is apparen that the object of the levy was the construction -- maintenance and repairs of roads and bridges, ~~in this case under the control of the District Boards~~ In the additional rules, it was declared (1) that payment of tolls on carts, carriages or animals at any gate or bridge ~~shall~~ would clear them at any other gate or bridge, ~~specified with the sanction of Government~~ and (2) no more than one payment of toll ~~shall~~ should be demanded at any one toll bar, gate or station in respect of any carriage, cart or animal in any one period of 24 hours counted from sunrise to sunrise.

any such specified

The same provisions have been embodied in the amending Regulation of 1918 and rules made thereunder. But Regulatiom IV of 1926 embodies in Section 66 ~~(5)~~ (4) even some of the provisions of the rules, ~~especially the~~ Clause (15) relating to grant of exemption for a cart etc., from payment of a toll in any gate ~~in a District~~ if it has already been -- levied thereon in any other gate in the District.

and clauses ~~(2)~~ (3) and (5) of same provision in respect of any cart etc., made at any gate or bridge in the District, but under

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It will be seen that the District Boards have been in existence and 20th century for a long time and it is admitted that the construction and upkeep of District Road roads. But the cost of maintenance of roads has considerably increased and as the revenue derived from these sources is relatively small and inelastic, the need is felt for the increase of 20th century and this can be effected by increasing the number of toll gates or bars rather than by an increase in rates which appear to be unpopular and are easily payable by the rich. The Committee therefore are in favour of allowing District Boards to establish toll gates or bars as a matter of right in their limits of their districts and that no appeal be made by the District Board for this purpose need be refused. As regards the distance between the limits of toll gates, the District Board will generally locate their toll gates at a point where they can capture most of the traffic, but in order to avoid too close a proximity of toll gates, it may be ordered that the distance between any two limits of toll gates may not be less than 10 miles.

Clause (5) of section 66 says that not more than one payment of toll shall be demanded at any gate or station for any vehicle in any one

period of 24 hours calculated from sun rise to
sun rise. But this applies when tolls gates, bars, or
stations situated in the same district. This pro-
vision has been introduced to prevent unnecessary
hardship when travelling public and to facilitate
their movement of goods from place to place. But there
is nothing in the section to prevent tolls being
demanded at a toll gate, bar, or station in one
district when toll has been paid in another
district within a period of 24 hours calculated
from sun rise to sun rise. The Commission feels
the deliberate disregard being to benefit the
district boards not maintain the road on which
toll gates are established. Payments may be
demanded at both the gates especially as the
distance between them will not be less than 10
miles. If however, double payment within a period
of 24 hours is considered as hardship, two courses
are open (1) to ask the district Boards under
clause (3) to obtain exemption in their prot. to exempt
carts, carriages, wheels, animals &c. paying toll at
one gate in one district from payment at
the toll gate in another district. But this will be
inequitable to those districts such as Devanhalli
& Hassan &c which have large sandhis or fairs
very near their borders & another district. Moreover
motor cars which travel long distances in a
period of 24 hours will be altogether exempt
from payment. To make them liable to pay
a distance limit
say of 25 or 50 miles will have the period, not
there is no sanction for it in the District Boards
Regulation

// The Rates contained in the Schedule to this Act will not affect the Rates contained in the 14th Section of the Act of Parliament passed in the Year of our Lord One thousand eight hundred and Eighty Nine intituled "An Act to consolidate and amend the Acts relating to Turnpike Roads in England" nor the Rates which may be demanded by virtue of any Act of Parliament passed since the said Act of the Session of Parliament held in the Year One thousand eight hundred and Eighty Nine.

Certain Rates may be adopted

The Rates in the Schedule III to this Act contained may be demanded by the Trustees of any Turnpike Road in addition to the Rates which they are by the Act of the Session of Parliament held in the Year One thousand eight hundred and Eighty Nine intituled "An Act to consolidate and amend the Acts relating to Turnpike Roads in England" or by any Act of Parliament passed since the said Act of the Session of Parliament held in the Year One thousand eight hundred and Eighty Nine authorized to be demanded by the Trustees of any Turnpike Road in addition to the Rates which they are by the said Act of the Session of Parliament held in the Year One thousand eight hundred and Eighty Nine intituled "An Act to consolidate and amend the Acts relating to Turnpike Roads in England" authorized to demand.

Provided that the Rates which may be demanded by the Trustees of any Turnpike Road in addition to the Rates which they are by the said Act of the Session of Parliament held in the Year One thousand eight hundred and Eighty Nine intituled "An Act to consolidate and amend the Acts relating to Turnpike Roads in England" authorized to demand shall not exceed the Rates contained in the Schedule III to this Act.

Provided also

that the neighbouring district may not be less than 10 miles.

(2) That they may be allowed to establish as many Wells as may be found necessary within the district subject to course the provisions contained in clause 5 section 66, but these Wells may not be less than 15 miles apart from one another.

(3) That in the Early stages, the water levels on canals and that they may be raised when required so as to keep the Wells full for drinking, bathing or flushing.

As regards a Common Well for both between two districts, the Combined District that this will be a most economical course if the District Boards agree as to sharing the cost and the appointment of Trustees. (Section 55 C) there is a provision for the establishment of Common Wells. But if there is no complete agreement between two District Boards, the best course is the provisions established in this

(written in Dist subject to the Combination above)

24 hours counted from sunrise to sunrise will clear the same of payment at the adjacent frontier toll gate in the other Districts within a distance of 20 miles.

3. That the District Boards may levy tolls on bridges constructed from their funds.

4. That permission may be given by Government for the establishment of a common toll gate between 2 Districts on the same local Fund Road if there is an agreement between them as the proportion in which the revenue is to be shared.

The Committee think that those rules will remove all causes of friction between one District Board and another and that cases like those which have occurred between Hassan and Tumkur and Mysore will not arise again.

MUNICIPAL TOLLS.

The earliest Municipal law is the Bangalore City Municipal Regulation of 1871 introduced into the Bangalore City in 1871. Section 34 thereof authorised the levy of tolls on carts, carriages, horses and other animals The Regulation did not require that the net income from these tolls should be earmarked for maintenance of roads and bridges as in the District Board Rules. The above Regulation was followed by Regulations III of 1888, I of 1890, VII of 1899 and VIII of 1900, which were all repealed by Regulation VII of 1906. None of these Regulations affect the position of toll revenue. Sections 59,60, 61,78 and 79 of the Regulation VII of 1906 now regulate the levy of tolls in City and Town Municipal Councils and Notification No.L.5241-8/M1.55-21-100 dated 16th March 1922 regulate such levy in minor Municipal Councils.

Section 59 iii only says that any Municipal -- Council may with the sanction of Government and after observing the necessary preliminaries impose among other things a toll on behicles, and animals used for riding, drought or entering the said

them of this privilege and to deprive them of this source of revenue. That the levy is made not so much with a view to improve or repair roads and communications as to augment municipal revenue for expenditure on general municipal services will be seen from the fact that wherein in Mysore and Bangalore Cities where the annual outlay on maintenance of roads is very heavy the amounts spent in other Municipalities levying tolls on the --- maintenance or repairs of roads is very limited or insignificant when combared with the toll reven derived by them.

The question whether the Municipal Councils should share the revenue with District Boards when they establish toll gates on the District board roads was considered in 1916 and in Government -- Order No.940-58/M1.149-14-21 dated 21st July 1916 Government stated that no general rules can be la down in regard to the apportionment of toll revene between municipalities and District Board and that each case, should be disposed of on its merits.

About 14 Municipal Councils have established toll-gates and out of these,

(1) The Chitaldrug Municipal Council pay one-fifth of its toll revenue to the District Board.

(2) The Chickballapur Municipal Council pay 50 per cent of the net realisations from tolls to the District Board of Kolar, a n d

(3) The Kolar Town Municipal Council do not pay any contribution from their toll revenue to the District Board of Kolar, but maintain the portion of the District Fund Road passing through the Municipal limits.

(4) The District Board of Hassan pay one-fourth of their toll-revenue from the levy of tolls at the Dudda toll gate to the Hassan Town Municipal Council for the maintenance of the District Fund Road passing through the Municipal limits.

(5) The Bangalore City Municipal Council which also levy toll, maintain the State Fund Roads lying within the Municipal limits and enjoy the toll revenue.

(6) The other Municipal Councils fully enjoy the toll revenue.

The question as to the apportionment of --- revenue from toll-gates between Municipal Council and District Boards was further considered with reference to the request of the Mysore City Municipal Council for the continuance to it of a Sta Grant of Rs.5,000/- on account of State Fund Roa passing through the City and in Government Order No.L.4506-25/M1.109-24-3 dated 23rd December 192 Government observed that there was no uniformity in the system of apportionment and laid down as follows:-

1. When any Municipal Council other than City Municipal Council propose to levy tolls t should submit to Government proposals in this half after consulting the District Board conce as regards sharing the Revenue or bearing in

whole or in part, of the cost of maintenance of District Fund Roads passing through the Municipality.

2. In regard to the City Municipal Councils the question of liability to maintain State and District Fund Roads and of the contributions from the State and District Funds will be decided according to the circumstances of each case.

The Committee having considered all the above orders and Regulations are of of opinion that the Municipal Councils may be allowed to exercise the right given to them by law but that in order to avoid undue hardship to the travelling public a condition should be imposed that payment of toll at any one Municipal gate will clear the traffic of payment in other municipal gates within a distance of 25 miles from each other for a period of 24 hours counted from sunrise to sunrise.

Since it has been proposed to give unrestricted powers to District Boards and since the object of the establishment of a Municipal Toll gate is the augmentation of its revenue there may be no apportionment of the revenue between the District Boards and Municipalities. But the Committee think that payment at a District Fund or Municipal Toll gate situated within a distance of 25 miles should clear the traffic in a Municipal gate within a period of 24 hours counted from sunrise to sunrise and vice versa. If there is no provision in the Municipal Regulation for the grant of this exemption the Committee recommend that the Regulation may ve suitably amended. The condition may not be insisted upon in the case of Bangalore and Mysore City Municipalities as there cases stand on diffefent footing and they being centres of trade all vehicular traffic in mostly on this account. If they are compelled to grant exemptions their revenue will suffer greatly and the amaller municipal Councils situated within a short distance from them

The question of "Through traffic" was considered and it was thought that if exemption is given as suggested above there was no need to make any special rule about this.

The general conclusions of the Committee are as follows:-

1. That all the Municipal Councils may be allowed to establish Toll gates.

2. That except at the Cities of Mysore and Bangalore payment at a District Fund or --- Municipal Toll gate situated within a distance of 25 miles should clear the traffic of payment in a municipal gate within a period of 24 hours counted from sunrise to sunrise and vice versa.

3. That the concession contained in Rule 2 may be given only to carts travelling in the same direction.

The Committee recommend though it is not strictly within the purview of their reference that the rules of clearance enumerated above may be adopted at the Provincial toll gates also. ---

It was also resolved that the concessions referred to above be extended only to carts etc., proceeding in the same direction of a journey.

With reference to the question of making provision in the District Board and Municipal Regulation for arbitrations or appeals to Government from decisions of the Boards and Municipal --- Councils so as to give relief to people who are too poor to go to Courts, the Committee was of opinion that there was provision in the Civil Procedure Code for the relief of poor litigants and that no special provision in the Municipal or the District Board Regulation for the pur[illegible] necessary.